

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTER DISTRICT OF TEXAS
MIDLAND DIVISION

RICHARD VILLA,
Plaintiff,

v.

ALLEN P. HODGE and JAY BARTLEY
OIL FIELD SERVICES, LLC,
Defendants.

§
§
§
§
§
§
§
§

No. 7:17-CV-00070

APPENDIX TO NOTICE OF REMOVAL

	<i>Pages</i>
Exhibit A: Index of State Court Pleadings.....	APP. 3
Exhibit B: Docket Sheet (State Court) Summary	APP. 4
Exhibit C: Plaintiff's Original Petition & First Discovery Request	APP. 5-13
Exhibit D: Civil Case Information Sheet & Request for Service	APP. 14-15
Exhibit E: Notice of Appearance and Designation of Lead Counsel	APP. 16-17
Exhibit F: Motion for Alternative Service T.R.C.P. 106 (B).....	APP. 18-19
Exhibit G: Order for Alternative Service T.R.C.P. 106 (B).	APP. 20
Exhibit H: Affidavit of Service – Allen P. Hodge.....	APP. 21-24

Respectfully submitted,

CRAIG, TERRILL, HALE & GRANTHAM, L.L.P.
FirstBank Centre
9816 Slide Road, Suite 201
Lubbock, Texas 79424
(806) 744-3232; (806) 744-2211 (fax)
BudG@CTHGlawfirm.com



Leonard R. (Bud) Grossman, SBN 00784182
ATTORNEYS FOR DEFENDANTS,
ALLEN P. HODGE AND JAY BARTLEY OIL
FIELD SERVICES, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent pursuant to the controlling Rules of Civil Procedure, to the following persons on this the 10th day of April, 2016:

Barbara Sucsy
Lubbock County District Clerk
Lubbock, TX
bsucsy@co.lubbock.tx.us

Israel L. Medina
Israel P. Guardiola
The Guardiola Law Firm, P.C.
125 W. 2nd Street
Odessa, TX 79761
Fax: 432-582-2310
israelm@themedinalawfirm.com



INDEX OF STATE COURT PLEADINGS

<u>DATE</u>	<u>DOCUMENT</u>
September 8, 2016	Plaintiff's Original Petition and First Discovery Requests
September 8, 2016	Civil Case Information Sheet
September 16, 2017	Notice of Appearance and Designation of Lead Counsel
September 27, 2017	Motion for Alternative Service T.R.C.P. 106(B)
March 1, 2017	Order for Alternative Service T.R.C.P. 106(B)
March 31, 2017	Affidavit of Service – Allen P. Hodge

EXHIBIT

A

CAS101

DOCKET BOOK REPORT

PAGE 1

CASE # CV52659

COURT: 238TH DISTRICT COURT

04/04/2017

CAUSE: INJURY OR DAMAGE WITH MV

STYLE: RICHARD VILLA

VS ALLEN P. HODGE AND JAY BARTLEY
OIL FIELD SERVICES, LLC

PLAINTIFF

<u>NAME</u>	<u></u>	<u>ATTORNEY</u>
VILLA, RICHARD	P	MEDINA, ISRAEL L 125 W. 2ND STREET ODESSA, TEXAS 79761 432-698-3400

DEFENDANT

<u>NAME</u>	<u></u>	<u>ATTORNEY</u>
HODGE, ALLEN P 154 FREDRICKS LICK ROAD MOUNT VERNON, AR 72111-9512	D	
JAY BARTLEY OIL FIELD SERVICES REG AGENT JAY BARTLEY 637 ADKISSON ROAD MOUNT VERNON, ARKANSAS 72111	D	

TRANSACTIONS FOR ALL PARTIES

/ / THRU / /

09/08/2016	DOCKET SHEET/JW		
VILLA, RICHARD			
09/08/2016	F/CIVIL CASE COVER SHEET/AC	I	2
VILLA, RICHARD			
09/08/2016	F/PLAINTIFF'S ORIGINAL PETITION AND FIRST	I	9
VILLA, RICHARD	DISCOVERY REQUESTS/AC		
09/09/2016	FILING FEES/JW		328.00-
VILLA, RICHARD			
09/13/2016	I/NON-RESIDENT CIT/RETURNED TO ATTORNEY/AC		
HODGE, ALLEN P			
09/13/2016	I/NON-RESIDENT CIT/RETURNED TO ATTORNEY/AC		
JAY BARTLEY OIL FI			
09/13/2016	RECD FROM ISRAEL GUARDIOLA/SA		328.00
VILLA, RICHARD			
02/16/2017	F/NOTICE OF APPEARANCE AND DESIGNATION OF LEAD	I	2
VILLA, RICHARD	COUNSEL/JW		
02/27/2017	F/MOTION FOR ALTERNATIVE SERVICE/ALG	I	2
VILLA, RICHARD			
03/01/2017	E/ORDER FOR ALTERNATIVE SERVICE T.R.C.P 106 (B)	I	1
VILLA, RICHARD	/AC		
03/31/2017	F/CITATION SERVED 03/22/2017/AC	I	4
HODGE, ALLEN P			

EXHIBIT B

CV52659

Filed 9/8/2016 3:42:53 PM

Ross Bush

District Clerk

Midland County, Texas

CAUSE NO. 17-2229Abenly Chavez

RICHARD VILLA

IN THE DISTRICT COURT OF

VS.

238 JUDICIAL DISTRICTALLEN P. HODGE and JAY BARTLEY
OIL FIELD SERVICES, LLC

MIDLAND COUNTY TEXAS

PLAINTIFF'S ORIGINAL PETITION AND FIRST DISCOVERY REQUESTS

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Richard Villa, (hereinafter "Plaintiff") by and through counsel, complaining of Allen P. Hodge (hereinafter "Hodge") and Jay Bartley Oil Field Services, LLC (hereinafter "JAY") (collectively "Defendants") and for cause of action would respectfully show unto the Court the following:

I.**LEVEL OF DISCOVERY CONTROL PLAN**

Plaintiff intends for discovery to be conducted pursuant to rule 190.4 of the Texas Rules of Civil Procedure, Level 3.

II.**PARTIES**

Plaintiff is a resident of Ector County, Texas.

Defendant Allen P. Hodge is a resident of Mount Vernon, Faulkner County, Arkansas and may be served at 154 FREDRICKS LICK ROAD, MOUNT VERNON AR 72111-9512.

Service of process on the Defendant Jay Bartley Oil Field Services, LLC may be effected pursuant to sections 5.201 and 5.255 of the Texas Business Organizations Code, by serving the

*Plaintiff's Original Petition and First Discovery Requests**Page 1*

A TRUE AND CORRECT COPY
OF ORIGINAL INSTRUMENT AS
FILED IN MIDLAND COUNTY
DISTRICT CLERK'S OFFICE

EXHIBIT**C**

registered agent of the corporation, Jay Bartley at 637 Adkisson Road, Mount Vernon, Arkansas, 72111. Service of said Defendant as described above can be effected by private process.

III.
JURISDICTION AND VENUE

This Court has jurisdiction over the subject matter in controversy because the damages sought by Plaintiffs are within the jurisdictional limits of the Court. Plaintiffs are seeking monetary relief over \$200,000.00 but no more than \$1,000,000.00.

Venue of this lawsuit is proper in Midland County, Texas, pursuant to TEX. CIV. PRAC. & REM. CODE § 15.002(a)(1), in that all or a substantial part of the events occurred in Ector County, Texas.

IV.
MISNOMER/ALTER EGO

In the event any parties are misnamed or are not included herein, it is Plaintiff's contention that such was a "misidentification," "misnomer" and/or such parties are/were "alter egos" of parties named herein. Alternatively, Plaintiff contends that such "Corporate veils" should be pierced to hold such parties properly included in the interest of justice.

V.
FACTUAL BACKGROUND

On or about September 910, 2014, Plaintiff was at a stop sign facing west on FM 1787 in Midland County, Texas. At or about the same time, Defendant Hodge, who was traveling southbound on FM 1788 in a vehicle owned by JAY when; suddenly, recklessly and without warning, he failed to control his speed, failed to pay attention and ran stop a sign thus striking the Plaintiff. As a result, the Plaintiff suffered injuries and damages, more specifically described herein.

At all times material hereto Defendant JAY, controlled, utilized, maintained and operated

vehicles in the conduct of its business, one of these vehicles was involved in the collision made the basis of this lawsuit.

Defendant Hodge was at all times material hereto the agent, representative and/or employee of Defendant JAY and he was operating a vehicle owned, controlled, maintained and managed by Defendant JAY. At all times material hereto, Defendant Hodge was acting within the course and scope of his employment for Defendant JAY and he was in the furtherance of their business and affairs.

VI.
RESPONDEAT SUPERIOR

At the time of the collision in question Defendant Hodge, was carrying out the business affairs of Defendant JAY. Defendant JAY permitted Defendant Hodge to carry out such business affairs and was carrying out such business affairs at the time of the collision in question. Thus, Defendant JAY is vicariously liable for the negligent acts and/or omissions of Defendant Hodge, based upon the doctrine of *respondeat superior*. Pleading further, Defendant JAY had an affirmative duty to supervise and control Defendant Hodge while he was carrying out its business affairs and Defendant breached said duty, which was a proximate cause of the injuries and damages to the Plaintiff, as plead herein.

VII.
CAUSES OF ACTION: NEGLIGENCE—HODGE

Plaintiff incorporates herein by reference Paragraphs I through VI for all purposes as if set forth verbatim.

Defendant is liable for each of the below listed negligent acts and/or omissions. Defendant had a duty to act as a reasonable and prudent vehicle operator would have acted under the same or similar circumstances and exercise ordinary care. Defendant's negligence was the proximate cause

of Plaintiff's injuries. Defendant breached that duty in one or more of the negligent acts and/or omissions in the following manner:

- (a) In failing to control the speed of his vehicle in violation of Tex. Transp. Code § 545.351;
- (b) In failing to keep a proper lookout and proper control of the vehicle as would have been done by a reasonable and prudent person under the same or similar circumstances;
- (c) In failing to give proper warning upon an impending collision;
- (d) In failing to timely apply his brakes as would have been done by a reasonable and prudent person under the same or similar circumstances;
- (e) In failing to turn his vehicle in another direction to avoid an impending collision, as would have been done by a reasonable person exercising prudence under the same or similar circumstances;
- (f) In failing to keep his vehicle under proper control, as would have been done by a reasonable person exercising prudence under the same or similar circumstances;
- (g) In failing to pay attention when operating his motor vehicle;
- (h) In following too closely in violation of Tex. Trans. Code § 545.062; and
- (i) In driving a vehicle in willful or wanton disregard for the safety of persons, in violation of Tex. Trans. Code § 545.401 (Vernon's 1997), which constitutes negligence per se.

The foregoing acts, and/or omissions, singularly or in combination constitute negligence, which proximately caused the occurrence made the basis of this action and Plaintiff's damages.

VIII.
CAUSES OF ACTION-JAY

Plaintiff incorporates herein by reference Paragraph VII for all purposes as if set forth verbatim.

Defendant JAY committed acts of omission, and commission, which collectively and severally constituted negligence, and which were proximate causes of the injuries and all of Plaintiff's resulting damages.

Defendant JAY's negligent acts include, but are not limited to:

- (a) In failing to exercise due care in hiring Defendant Hodge, including its failure to inquire into Defendant Hodge's qualifications, experience and history;
- (b) In failing to inquire and/or test or failure to exercise due care in inquiring and/or testing, Defendant Hodge's competence to operate a motor vehicle;
- (c) In failing to monitor, or failure to exercise due care and monitoring, Defendant Hodge's competence to operate a motor vehicle, or lack thereof;
- (d) In failing to monitor and/or supervise, or failure to exercise due care in monitoring and/or supervising Defendant Hodge;
- (e) In failing to use due care in retaining Defendant Hodge;
- (f) In entrusting the company-owned vehicle to Defendant Hodge; and
- (g) In condoning, approving and/or ratifying Defendant Hodge's conduct.

The foregoing acts, and/or omissions, singularly or in combination constitute negligence, which proximately caused the occurrence made the basis of this action and Plaintiff's damages.

IX. **DAMAGES**

Plaintiff repeats and re-alleges the allegations stated in paragraphs I through VIII.

Plaintiff has sustained injuries which were incurred as a proximate or producing cause of

Defendants' acts and/or omissions. Plaintiff respectfully requests the Court and Jury to determine the amount of loss Plaintiff has incurred in the past and will incur in the future not only from a financial standpoint but also in terms of good health and freedom from pain and worry. These are elements of damages provided by law, which Plaintiff is entitled to have a Jury consider separately in order to determine the sum of money for each element, which will fairly and reasonably compensate Plaintiff for the injuries incurred as a result of the collision made the basis of this suit.

Plaintiff requests the trier of facts to determine from the date of this collision until the time of trial, the following elements of damages to be considered separately and individually for the purpose of determining the sum of money, if paid in cash, would fairly and reasonably compensate Plaintiff. These injuries and damages, which are a direct, proximate and/or producing result of Defendant's conduct, are as follows:

- a) The physical pain and suffering experienced by Plaintiff in the past and future which directly flowed from or are inferred to or presumed to flow from the accident and said injuries;
- b) The emotional pain, torment and suffering (mental anguish) that Plaintiff has experienced in the past;
- c) The emotional pain, torment and suffering (mental anguish) that Plaintiff will, in reasonable probability, experience in the future;
- d) Physical impairment, physical disfigurement and loss of physical ability in the past and in the future suffered by Plaintiff;
- e) Medical expenses incurred by Plaintiff in the past and in the future as a result of the Plaintiff's injuries which, in all reasonable medical probability, are reasonable in amount and necessary for the treatment of Plaintiff's injuries; and

- f) Lost wages and loss of earning capacity incurred by Plaintiff in the past and in the future.

X.
PRE-EXISTING INJURY

In the alternative, if it be shown that Plaintiff suffered from a pre-existing injury, disease and/or condition at the time of the collision made the basis of the lawsuit, then such injury, disease and/or condition was aggravated and/or exacerbated by the negligence of the Defendants.

XI.
SUBSEQUENT INJURY

In the alternative, if it be shown that Plaintiff suffered from a subsequent injury, disease and/or condition, then such injury, disease and/or condition aggravated and/or exacerbated the injuries, diseases and/or conditions proximately caused by the negligence of the Defendants.

XII.
TRIAL BY JURY DEMAND

Plaintiff respectfully demands a trial by jury, for which the fee has been properly and timely tendered.

XIII.
RULE 193.7 NOTICE

Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives actual notice to Defendants that any and all documents and materials produced in response to written discovery may be used as evidence in this case; and, that any such materials may be used as evidence against the party producing the document at any pretrial proceeding and/or at the trial of this matter without necessity of authenticating the document and/or materials produced in discovery.

XIV.
DISCOVERY REQUESTS

A. REQUESTS FOR DISCLOSURE. Defendants are hereby requested to disclose, within fifty (50) days of service of this petition and incorporated request, the information or material described in Rule 194.2 of the Texas Rules of Civil Procedure, to the undersigned counsel of record for Plaintiff.

B. REQUESTS FOR ADMISSION. Defendants are hereby requested to admit or deny, in writing, within fifty (50) days of service of this petition and incorporated request, the propositions of fact and/or law attached hereto as "Exhibit A," pursuant to Rule 198 of the Texas Rules of Civil Procedure, to the undersigned counsel of record for Plaintiff.

C. INTERROGATORIES. Defendants are hereby requested to answer, within fifty (50) days of service of this petition and incorporated request, the interrogatories attached hereto as "Exhibit B," separately, fully, in writing, and under oath, pursuant to Rule 197 of the Texas Rules of Civil Procedure, to the undersigned counsel of record for Plaintiff.

D. REQUEST FOR PRODUCTION. Defendants are hereby requested to produce, within fifty (50) days of service of this petition and incorporated request, the documents and tangible items in the list attached hereto as "Exhibit C," pursuant to Rule 196 of the Texas Rules of Civil Procedure, to the undersigned counsel of record for Plaintiff.

XV.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein, and that upon final proof thereof, Plaintiff have judgment against Defendants for damages as described herein in a sum within the jurisdictional limits of the Court, that Plaintiff have pre-and post-judgment interest at the legal rate from the date of entry until paid,

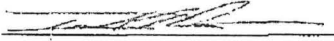
Plaintiff's Original Petition and First Discovery Requests

Page 8
A TRUE AND CORRECT COPY
OF ORIGINAL INSTRUMENT AS
FILED IN MIDLAND COUNTY
DISTRICT CLERK'S OFFICE

cost of court and other and further relief, general and special, legal or equitable, to which Plaintiff may show to be justly entitled.

Respectfully submitted,

THE MEDINA LAW FIRM, P.C.
125 W. 2nd Street
Odessa, TX 79761
Tel: (432) 582-2100
Fax: (432) 582-2310

By: 
ISRAEL L. MEDINA
State Bar No. 24088043
israelm@themedinalawfirm.com

ISRAEL P. GUARDIOLA
The Guardiola Law Firm, P.C.
125 W. 2nd Street
Odessa, Texas 79761
Tel: (432) 582-2100
Fax: (432) 582-2310
State Bar No. 00784184

Attorneys for Plaintiff

Plaintiff's Original Petition and First Discovery Requests

I, ROSS BUSH, District Clerk,
Midland County, Texas, do hereby certify that
this is a true and correct copy as same appears
of record in my office. Witness my hand and
seal of office on 4/4/2017 Page 9

ROSS BUSH, DISTRICT CLERK

By Deputy



Filed 9/8/2016 3:42:53 PM

Civil Case Cover Sheet

CV52659

Cause Number (for clerk use only): _____

Ross Bush

District Clerk

Midland County, Texas

Court (for clerk use only): 239*Abeny Chavez*

ABENY CHAVEZ

A civil case information sheet should be completed and submitted when an original petition or application is filed to initiate a new civil or family law case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing Case information sheet:		Names of parties in case:		Person or entity completing sheet is:
ISRAEL L. MEDINA Name Telephone: 432-582-2100 125 W. 2ND STREET Address Fax: 432-582-2301 ODESSA, TEXAS 79761 City/State/Zip State Bar No. 24088043 Israel L. Medina Signature	Plaintiff(s)/Petitioner(s) RICHARD VILLA Defendant(s)/Respondent(s) ALLEN P. HODGE JAY BARTLEY OIL FIELD SERVICES, LLC	<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other		
[Attach additional page as necessary to list all parties]				
2. Indicate case type or identify the most important issue in the case (check only 1):				
CONTRACT <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity-Expedited <input type="checkbox"/> Other foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	INJURY OR DAMAGE <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Personal Injury or Damage:	OTHER CIVIL <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other TAX <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	EMPLOYMENT <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Worker's Comp <input type="checkbox"/> Other Employment: RELATED TO CRIMINAL MATTERS <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of habeas corpus - Pre-indictment <input type="checkbox"/> Other:	
3. Indicate procedure or remedy, if applicable (may select more than 1):				
<input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License	<input type="checkbox"/> Mandamus <input type="checkbox"/> Sequestration <input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Post-Judgment	<input type="checkbox"/> TRO/Injunction <input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Turnover <input type="checkbox"/> Receiver <input type="checkbox"/> Post Judgment	
4. Indicate damages sought (do not select if it is a family law case):				
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000				

SEE REVERSE SIDE FOR SERVICE INFORMATION

EXHIBIT
D

REQUEST FOR SERVICE(S)

Instrument to be issued	Service type	Party to serve
<input checked="" type="checkbox"/> Citation <input type="checkbox"/> Precept <input type="checkbox"/> Show Cause <input type="checkbox"/> TRO <input type="checkbox"/> Other 	<input type="checkbox"/> Sheriff <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Private Process Server RETURN TO OFFICE FOR SERVICE <input type="checkbox"/> Constable <input type="checkbox"/> Secretary of State <input type="checkbox"/> Publication <input type="checkbox"/> Posting <input type="checkbox"/> Other 	ALLEN P. HODGE Name 154 FREDRICKS LICK ROAD Address MOUNT VERNON, ARKANSAS 72111 City/State/Zip

Instrument to be issued	Service type	Party to serve
<input checked="" type="checkbox"/> Citation <input type="checkbox"/> Precept <input type="checkbox"/> Show Cause <input type="checkbox"/> TRO <input type="checkbox"/> Other 	<input type="checkbox"/> Sheriff <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Private Process Server RETURN TO OFFICE FOR SERVICE <input type="checkbox"/> Constable <input type="checkbox"/> Secretary of State <input type="checkbox"/> Publication <input type="checkbox"/> Posting <input type="checkbox"/> Other 	JAY BARTLEY Name 637 ADKISSON ROAD Address MOUNT VERNON, ARKANSAS 72111 City/State/Zip

Instrument to be issued	Service type	Party to serve
<input type="checkbox"/> Citation <input type="checkbox"/> Precept <input type="checkbox"/> Show Cause <input type="checkbox"/> TRO <input type="checkbox"/> Other 	<input type="checkbox"/> Sheriff <input type="checkbox"/> Certified Mail <input type="checkbox"/> Private Process Server <input type="checkbox"/> Constable <input type="checkbox"/> Secretary of State <input type="checkbox"/> Publication <input type="checkbox"/> Posting <input type="checkbox"/> Other 	 Name Address City/State/Zip

Instrument to be issued	Service type	Party to serve
<input type="checkbox"/> Citation <input type="checkbox"/> Precept <input type="checkbox"/> Show Cause <input type="checkbox"/> TRO <input type="checkbox"/> Other 	<input type="checkbox"/> Sheriff <input type="checkbox"/> Certified Mail <input type="checkbox"/> Private Process Server <input type="checkbox"/> Constable <input type="checkbox"/> Secretary of State <input type="checkbox"/> Publication <input type="checkbox"/> Posting <input type="checkbox"/> Other 	 Name Address City/State/Zip

ATTACH EXTRA PAGE(S) AS NEEDED TO LIST ADDITIONAL PARTIES TO BE SERVED

Revised 02/26/2013

I, ROSS BUSH, District Clerk,
 Midland County, Texas, do hereby certify that
 this is a true and correct copy as same appears
 of record in my office. Witness my hand and
 seal of office on 4/4/2017

ROSS BUSH, DISTRICT CLERK
 By Deputy



CV52659

Filed 2/16/2017 10:37:01 AM

Ross Bush

District Clerk

Midland County, Texas

CAUSE NO. CV52659

RICHARD VILLA

IN THE DISTRICT COURT

JAYLYNN WHITE

VS.

238TH JUDICIAL DISTRICTALLEN P. HODGE and JAY BARTLEY
OIL FIELD SERVICES, LLC

MIDLAND COUNTY TEXAS

NOTICE OF APPEARANCE AND DESIGNATION OF LEAD COUNSEL

PLEASE TAKE NOTICE The Medina Law Firm, P.C., Israel L. Medina, hereby give notice of appearance for Plaintiff in the above entitled cause and will serve as lead counsel and attorney in charge for Plaintiff.

DATED this 16th day of February, 2017.

Respectfully submitted,

THE MEDINA LAW FIRM, P.C.

319 N. Grant Avenue

Odessa, Texas 79761

Tel: (432) 698-3400

Fax: (432) 698-3402

/s/ Israel L. Medina

ISRAEL L. MEDINA

State Bar No. 24088043

israelm@themedinalawfirm.com

AND

THE GUARDIOLA LAW FIRM, P.C.

Israel P. Guardiola

125 W. 2nd Street

Odessa, Texas 79761

Tel: (432) 582-2100

Fax: (432) 582-2310

State Bar No. 00784184

ATTORNEYS FOR PLAINTIFF

Villa v. Hodge, et al.

Notice of Appearance and Designation of Lead Counsel

**EXHIBIT
E**

A TRUE AND CORRECT COPY
OF ORIGINAL INSTRUMENT AS
FILED IN MIDLAND COUNTY
DISTRICT CLERK'S OFFICE

CERTIFICATE OF SERVICE

This will certify that on February 16, 2017, a true and correct copy of the foregoing instrument was served via electronic submission upon:

Jeremy Gideon, Manager
THE LITTLETON GROUP-WESTERN DIVISION, INC.
1030 Andrews Highway, Suite 111
Midland, Texas 79701
Email: jgideon@littletongroup.com

/s/ Israel L. Medina

Israel L. Medina
ATTORNEY FOR PLAINTIFF

2

Villa v. Hodge, et al.
Notice of Appearance and Designation of Lead Counsel

I, ROSS BUSH, District Clerk,
Midland County, Texas, do hereby certify that
this is a true and correct copy as same appears
of record in my office. Witness my hand and
seal of office on 4/4/2017.

ROSS BUSH, DISTRICT CLERK
[Signature]
By Deputy



CV52659

Filed 2/27/2017 11:03:12 AM

Ross Bush

District Clerk

Midland County, Texas

Angela L. Gardea

Angela L. Gardea

Notice: This Document
Contains Sensitive Data

CAUSE NO. CV52659

RICHARD VILLA

VS

ALLEN P. HODGE AND HAY BARTLEY
OIL FIELD SERVICES, LLC

IN THE DISTRICT COURT OF

238th JUDICIAL DISTRICT

MIDLAND COUNTY, TEXAS

MOTION FOR ALTERNATIVE SERVICE
T.R.C.P. 106 (B)

COMES NOW the Plaintiff in the above numbered and entitled cause and would
show that the:

**CITATION; PLAINTIFF'S ORIGINAL PETITION AND FIRST DISCOVERY
REQUESTS**

on the below named defendant:
Hodge, Allen P.

154 Fredricks Lick Rd. MOUNT VERNON, AR 72111

has not been delivered because the authorized process server/officer has
been unable to locate the Defendant at his/her usual place of abode/business
in the said county, as set forth above, in the order and affidavit attached
hereto and made a part of this motion for all purposes.

Wherefore, Plaintiff prays that service of process on the Defendant be
authorized by:

 X delivering a true copy of the citation and petition attached and a signed
order to anyone over 16 years of age at

154 Fredricks Lick Rd.
MOUNT VERNON, AR 72111

OR

 X attaching a true copy of the citation and petition and a signed order securely
to the front door/entry way at, or affixing to the gate if the property is gated

154 Fredricks Lick Rd.
MOUNT VERNON, AR 72111

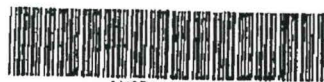
 By mailing a copy of the citation and petition via 1st Class Mail

which Plaintiff believes will be reasonably effective to give the Defendant
notice of this suit.

/s/ Israel L. Medina
Guardiola, Israel P

Attorney for Plaintiff
125 W 2nd Street
Odessa, TX 79761
ruby@guardiolalawfirm.net
Tel (432) 582-2100
Fax (432) 582-2310

Bar # 00784184



AX07A16903786

RECORDER'S MEMORANDUM:

This instrument is of poor quality
and not satisfactory for photographic
recording: and / or alterations were
present at the time of filming.

E-FILE

PCP Inv#: A16903786

EXHIBIT**F**

A TRUE AND CORRECT COPY
OF ORIGINAL INSTRUMENT AS
FILED IN MIDLAND COUNTY
DISTRICT CLERK'S OFFICE

AFFIDAVIT FOR SUBSTITUTED SERVICE
 UNDER RULE 106/501.2(e) (1)

CASE NO: CV52659
 RICHARD VILLA

vs.
 ALLEN P. HODGE AND HAY BARTLEY OIL FIELD SERVICES, LLC

BEFORE ME the undersigned authority, on this day personally appeared BRIAN NEWTON who after being duly sworn, did upon oath state the following:

1. My name is BRIAN NEWTON : I am a private process server authorized to deliver process in this cause pursuant to court order. I am over the age of eighteen (18) years and am fully competent to testify to the matters stated in this affidavit. I have personal knowledge of the facts and statements contained in this affidavit and each is true and correct.
2. On the 09/23/16 at 10:48:08 I was assigned to deliver a copy of the CITATION, PLAINTIFF'S ORIGINAL PETITION AND FIRST DISCOVERY REQUESTS upon the defendant Hodge, Allen P.
3. I have made several attempts to obtain personal service of process at the defendant's usual place of abode/business or by delivering by certified mail to the defendant's usual mailing address on the dates and times listed below:

DATES/TIMES	ADDRESS / RESULTS OF VISIT	Ref# A16903786
Tuesday	09/27/2016 1:45 PM 154 FREDRICKS LICK RD. MOUNT VERNON AR 72111 NO ANSWER	
Friday	09/30/2016 5:46 PM 154 FREDRICKS LICK RD. MOUNT VERNON AR 72111 NOT IN PER WHITE MALE	
Monday	10/03/2016 6:10 PM 154 FREDRICKS LICK RD. MOUNT VERNON AR 72111 WHITE STATED NOT IN AND WOULD NOT GIVE ANY INFO	
Tuesday	10/04/2016 2:51 PM 154 FREDRICKS LICK RD. MOUNT VERNON AR 72111 INHABITANTS SAID HE IS NOT IN.	
Friday	12/16/2016 8:00 PM 156 FREDRICKS LICK RD MOUNT VERNON AR 72111 NO CONTACT.	
Monday	12/19/2016 3:12 PM 156 FREDRICKS LICK RD MOUNT VERNON AR 72111 NO CONTACT.	
Tuesday	01/03/2017 5:22 PM 156 FREDRICKS LICK RD MOUNT VERNON AR 72111 NO CONTACT.	
Friday	01/06/2017 7:05 PM 156 FREDRICKS LICK RD MOUNT VERNON AR 72111 UNABLE TO MAKE CONTACT.	

I believe the defendant will be given reasonably effective notice of this suit by delivering a true copy of the documents stated in item (2) above to anyone over sixteen years of age at 156 FREDRICKS LICK RD MOUNT VERNON AR 72111 the above address or by attaching it securely to the front entry way at the address, which is the party's usual place of abode or business or any other place where the defendant can probably be found pursuant to the provisions of Rule 106/501.2(e) (1), Texas Rules of Civil Procedure.

My name is BRIAN NEWTON, my date of birth is 11/20/93, and my address is Professional Civil Process Of Texas, Inc, 103 Vista View Trail, Spicewood TX 78669, USA. I declare under penalty of perjury that the foregoing is true and correct. Executed in CONWAY County, State of Arkansas, on the;

24th day of Feb, 2017.

BRIAN NEWTON
 Lic#:

16-017475
 Declarant
 Expiration:

PCP#: A1690378

E-File Affidavit



I, ROSS BUSH, District Clerk,
 Midland County, Texas, do hereby certify that
 this is a true and correct copy as same appears
 of record in my office. Witness my hand and
 seal of office on 4/4/2017

ROSS BUSH, DISTRICT CLERK
 By Deputy [Signature]



CV52659

CAUSE NO. CV52659

FILED

RICHARD VILLA

VS

ALLEN P. HODGE AND HAY BARTLEY
OIL FIELD SERVICES, LLC

IN THE DISTRICT COURT OF

2017 MAR -1 AM 9:54

238th JUDICIAL DISTRICT, ROSS BUSH, DISTRICT CLERK
MIDLAND COUNTY, TEXAS

MIDLAND COUNTY, TEXAS

ABENY CHAVEZ
DEPUTY**ORDER FOR ALTERNATIVE SERVICE
T.R.C.P. 106 (B)**

On the Motion presented and the affidavit attached from stating the location of the Defendant's usual place of business/abode or other place where:
Hodge, Allen P.

the Defendant, can be found and stating specifically the facts showing that service has been attempted under T.R.C.P. 106 (B) and service at 154 Fredricks Lick Rd. MOUNT VERNON, AR 72111 will be reasonably effective to give the Defendant, notice of this suit.

IT IS ACCORDINGLY ORDERED that an authorized process server/officer that is not a party to this suit nor interested in the outcome shall give the Defendant, Hodge, Allen P.

notice of this suit by:

X delivering a true copy of the citation and petition and a signed order attached to anyone over 16 years of age at

154 Fredricks Lick Rd.
MOUNT VERNON, AR 72111

OR

X attaching a true copy of the citation and petition and a signed order securely to the front door/entry way at, or affixing to the gate if the property is gated at:

154 Fredricks Lick Rd.
MOUNT VERNON, AR 72111

By mailing a copy of the citation and petition via 1st Class Mail

which will be reasonable effective to give the Defendant notice of this suit.

It is further ordered that the return of the authorized person be endorsed on or attached to the citation, stating when and how the citation was served, and be signed by the authorized person/officer, and is to make due return in accordance with the Texas Rules of Civil Procedure Rule 107.

Requested By:
Guardiola, Israel P
Attorney for Plaintiff
125 W 2nd Street
Odessa, TX 79761
ruby@guardiolalawfirm.net
Tel (432) 582-2100
Fax (432) 582-2310
Bar # 00784184

SIGNED this 1 day of March, 2017

Elizabeth A. Leonard
JUDGE PRESIDING

E-FILE

PCP Inv#: A16903786



ROSS BUSH, District Clerk,
Midland County, Texas, do hereby certify that
this is a true and correct copy as same appears
of record in my office. Witness my hand and
seal of office on 4/4/2017

ROSS BUSH, DISTRICT CLERK
Jeffrey White
By Deputy



EXHIBIT

G

CITATION/NON-RESIDENT

FILED**CLERK OF THE COURT**Ross Bush, District Clerk
500 N. Loraine Street, Suite 300
Midland, Texas 79701**MAR 31 2017**AT 11:20 O'CLOCK
ROSS BUSH, DISTRICT CLERK
MIDLAND COUNTY, TEXAS**ATTORNEY REQUESTING SERVICE**ISRAEL L. MEDINA
125 W. 2ND STREET

ODESSA, TEXAS 79761

THE STATE OF TEXAS**NOTICE TO ALLEN P. HODGE:**

ABENY CHAVEZ

"YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY (20) DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU."

TO: ALLEN P. HODGE,

GREETINGS: You are commanded to appear by filing a written answer to the petition at or before 10:00 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof, before the **238TH DISTRICT COURT** of Midland County, Texas, at the Courthouse in Midland, Texas.

Said petition was filed on: September 8th, 2016

The file number of said suit being: CV52659

The style of the case is:

RICHARD VILLA**VS.****ALLEN P. HODGE AND JAY BARTLEY OIL FIELD SERVICES, LLC**A copy **PLAINTIFF'S ORIGINAL PETITION** accompanies this citation.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at office in Midland, Texas, on September 13th, 2016.



ROSS BUSH
DISTRICT CLERK
MIDLAND COUNTY, TEXAS

By: Abeny Chavez
ABENY CHAVEZ, Deputy

EXHIBIT
H

**A TRUE AND CORRECT COPY
OF ORIGINAL INSTRUMENT AS
FILED IN MIDLAND COUNTY
DISTRICT CLERK'S OFFICE**

CV52659

238TH DISTRICT COURT

RICHARD VILLA

VS.

ALLEN P. HODGE AND JAY BARTLEY OIL FIELD SERVICES, LLC

ADDRESS FOR SERVICE:

ALLEN P. HODGE

154 FREDRICKS LICK ROAD

MOUNT VERNON, AR 72111-9512

OFFICER'S RETURN (Out of State)

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____m., and executed in _____ County, State of _____ by delivering to the within named defendant in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION, at the following time and place, to-wit:

Name _____ Date/Time _____ Place/Location _____

NOT EXECUTED FOR THE FOLLOWING REASON: _____

The diligence used in finding said defendant being: _____

and the cause or failure to execute this process is: _____

And the information received as to the whereabouts of said defendant being: _____

_____, Officer

FEES FOR SERVICE \$ _____

(of Citation)

COUNTY _____

STATE _____

By: _____, Deputy

STATE OF _____

COUNTY OF _____

VERIFICATION

BEFORE ME, A Notary Public, on this day personally appeared _____ known to be the person whose name is subscribed to the foregoing document and being by me first duly sworn, declared that the statements therein contained are true and correct. I am not a party to this lawsuit and have no interest in the outcome. Given under my hand and seal of office this the _____ day of _____, 20____.

NOTARY PUBLIC, STATE OF _____

Rule 108-Defendant without state -

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The return must either be verified or be signed under penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is _____, my date of birth is _____, and my address

Is _____

(First, Middle, Last)

(Street, City, State, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.

Declarant/Authorized Process Server _____

(Id # & expiration of certification) _____

A TRUE AND CORRECT COPY
OF ORIGINAL INSTRUMENT AS
FILED IN MIDLAND COUNTY
DISTRICT CLERK'S OFFICE

CV52659

238th District Court of MIDLAND County, Texas
500 N. LORRAINE AVE, STE 100 MIDLAND TX 79701

Case #: CV52659

RICHARD VILLA

Plaintiff

vs

ALLEN P. HODGE AND HAY BARTLEY OIL FIELD SERVICES, LLC

Defendant

AFFIDAVIT OF SERVICE

(Private Process)

I, Brian Newton, being duly sworn deposes
That I am a competent person more than 18 years of age or older and not a party to
this action. That I received the documents stated below on 3/22 instructing
for same to be delivered upon Hodge, Allen P..

That I delivered to

Allen P. Hodge

the following

CITATION; PLAINTIFF'S ORIGINAL PETITION AND FIRST DISCOVERY
REQUESTS; ORDER FOR ALTERNATIVE SERVICE

at this address

156 Fredricks Lick Rd,Mount Vernon AR 72111

Manner of Delivery

☒ By PERSONALLY delivering the document(s) to the person above.
☐ By SUBSTITUTE SERVICE: By delivering to the above named
person at the usual place of abode/business
☐ By POSTING: By securely affixing to the main entry

Date and time

3/22 1349

I SOLEMNLY AFFIRM under the penalties of perjury that the contents of the foregoing
paper are true to the best of my knowledge, information and belief.

EXECUTED BY:

3/23

Date

Brian Newton

Signature of Server

Id#: _____

Expiration: _____

On this day Brian Newton appeared before me, a notary public, and
being duly sworn by me stated that he/she has personal knowledge of the facts set
forth in the foregoing affidavit and declared that the facts contained therein are
true and correct. Given my hand and seal of office this 23 day
of MARCH 2017.

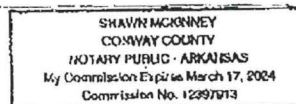
PCP Inv. #A16903786
Private Process Server

Guardiola, Israel P
The Guardiola Law Firm, P.C.



christyfb

SM
NOTARY PUBLIC



Service Fee: _____
Witness Fee: _____
Mileage Fee: _____

E-FILE APP

CV52659

CAUSE NO. CV52659

FILED

RICHARD VILLA

VS

ALLEN P. HODGE AND RAY BARTLEY
OIL FIELD SERVICES, LLC

IN THE DISTRICT COURT OF

2017 MAR -1 AM 9:54

238th JUDICIAL DISTRICT OF ROSS BUSH, DISTRICT CLERK
MIDLAND COUNTY, TEXAS

MIDLAND COUNTY, TEXAS BY

Ross Bush, District Clerk
Deputy ChavezORDER FOR ALTERNATIVE SERVICE
T.R.C.P. 106 (B)

On the Motion presented and the affidavit attached from stating the location of the Defendant's usual place of business/abode or other place where:
Hodge, Allen P.

the Defendant, can be found and stating specifically the facts showing that service has been attempted under T.R.C.P. 106 (B) and service at 154 Fredricks Lick Rd. MOUNT VERNON, AR 72111 will be reasonably effective to give the Defendant, notice of this suit.

IT IS ACCORDINGLY ORDERED that an authorized process server/officer that is not a party to this suit nor interested in the outcome shall give the Defendant, Hodge, Allen P.

notice of this suit by:

- ☒ delivering a true copy of the citation and petition and a signed order attached to anyone over 16 years of age at

154 Fredricks Lick Rd.
MOUNT VERNON, AR 72111

OR

- ☒ attaching a true copy of the citation and petition and a signed order securely to the front door/entry way at,
or affixing to the gate if the property is gated at:

154 Fredricks Lick Rd.
MOUNT VERNON, AR 72111

☐ By mailing a copy of the citation and petition via 1st Class Mail

which will be reasonable effective to give the Defendant notice of this suit.

It is further ordered that the return of the authorized person be endorsed on or attached to the citation, stating when and how the citation was served, and be signed by the authorized person/officer, and is to make due return in accordance with the Texas Rules of Civil Procedure Rule 107.

Requested By:
Guardiola, Israel P
Attorney for Plaintiff
125 W 1st Street
Odessa, TX 79741
ruby@guardiola-law.com
Tel (439) 587-2188
Fax (439) 587-2110
Bar # 90784106

SIGNED this 1 day of March, 2017

Elizabeth Leonard

JUDGE PRESIDING

E-FILE

PCP Form: AL000708



AX06A10903786

I, ROSS BUSH, District Clerk,
Midland County, Texas, do hereby certify that
this is a true and correct copy as same appears
of record in my office. Witness my hand and
seal of office on 4-4-2017

ROSS BUSH, DISTRICT CLERK

By Deputy

